

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
September 17, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

E. Kent Sundberg, Civil Division Chief Attorney	James O. Tracy, Utah County Sheriff
Paul Jones, Utah County Deputy Attorney	Mike Forshee, Utah County Sheriff's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Dalene Higgins, Utah County Sheriff's Office
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.	Gary Ratcliffe, Utah County Surveyor
Julie Rollins, Utah County Purchasing Agent	Cary McConnell, Utah County Treasurer's Office
Peter A. Jeppsen, Utah County Assessor's Office	Cathy Davies, Utah County Justice Court
Jim Stevens, Utah County Assessor's Office	Andrew Jackson, Mountainland Assoc. of Governments
Dr. Joseph K. Miner, Health Department Exec. Director	Ken Anson, Utah Transit Authority
Lana Jensen, Utah County Personnel Director	Todd Provost, Utah Transit Authority
Richard Nielson, Utah County Public Works Director	Larry Ballard, Utah County Resident
Jeff Smith, Utah County Recorder	Mike Stansfield, Fairways Media
Andrea Allen, Utah County Recorder's Office	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 8:58 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Richard Nielson, Utah County Public Works Director

PLEDGE OF ALLEGIANCE: James O. Tracy, Utah County Sheriff

The Board momentarily recessed to assemble as the Board of Equalization of Utah County from 9:00 A.M. to 9:01 A.M. The Utah County Board of Commissioners reconvened at 9:01 A.M.

CONSENT AGENDA

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH THANKSGIVING POINT INSTITUTE, INC.**
2. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER**
3. **APPROVE THE MINUTES OF THE SEPTEMBER 3, 2013 COMMISSION MEETING**

4. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 839	September 09, 2013	Check Nos. 189731-184984	Total: \$	10,708.43
Register No. 840	September 09, 2013	Check Nos. 184985-185001	Total: \$	8,568.85
Register No. 841	September 10, 2013	Purchasing Cards 707-707	Total: \$	22.00
Register No. 842	September 10, 2013	Check Nos. 185002-185015	Total: \$	373,613.84
Register No. 843	September 10, 2013	Direct Deposit: 17642-17686	Total: \$	4,546.60
Register No. 844	September 10, 2013	Check Nos. 185016-185018	Total: \$	186.00
Register No. 845	September 11, 2013	Purchasing Cards 708-717	Total: \$	14,795.22

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Register No. 846	September 11, 2013	Check Nos. 185019-185024	Total: \$	43,414.36
Register No. 847	September 11, 2013	Direct Deposit:17687-17715	Total: \$	3,514.25
Register No. 848	September 11, 2013	Check Nos. 185025-185046	Total: \$	3,076.58
Register No. 849	September 11, 2013	Direct Deposit:17716-17730	Total: \$	4,983.10
Register No. 850	September 11, 2013	Check Nos. 185047-185064	Total: \$	5,403.87
Register No. 851	September 11, 2013	Bond Wires:172-172	Total: \$	2,500.00
Register No. 852	September 11, 2013	Check Nos. 185065-185076	Total: \$	10,846.93
Register No. 853	September 12, 2013	Check Nos. 185077-185108	Total: \$	32,655.50
Register No. 854	September 12, 2013	Direct Deposit:17731-17731	Total: \$	5,335.00
Register No. 855	September 12, 2013	Purchasing Cards 718-721	Total: \$	250.46
Register No. 856	September 12, 2013	Check Nos. 185109-185158	Total: \$	50,936.14
Register No. 857	September 13, 2013	Purchasing Cards 722-725	Total: \$	917.39
Register No. 858	September 13, 2013	Direct Deposit:17732-17771	Total: \$	61,797.78
Register No. 859	September 13, 2013	Check Nos. 185159-185163	Total: \$	15,382.99
Register No. 860	September 13, 2013	Purchasing Cards 726-726	Total: \$	1,250.00
Register No. 861	September 13, 2013	Check Nos. 185164-185169	Total: \$	3,120.00
Register No. 862	September 13, 2013	Purchasing Cards 727-736	Total: \$	3,492.26
Register No. 863	September 13, 2013	Check Nos. 185170-185215	Total: \$	129,394.77
		Total:	\$	<u>790,712.32</u>

Consent Agenda Item Nos. 1 through 4 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR THE MX-M503 COPIER, SERIAL NO. 95012056, LOCATED IN THE DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2012-843 WITH THE UTAH STATE DEPARTMENT OF HEALTH FOR ADDITIONAL FUNDING FOR THE IMMUNIZATION PROGRAM**
6. **RATIFY THE JUSTICE COURT APPLICATION TO THE STATE OF UTAH ADMINISTRATIVE OFFICE OF THE COURTS, AND ACCEPT THE GRANT AWARD OF \$1,540.00 FOR THE PURCHASE OF A FLAT SCREEN TELEVISION FOR PRESENTING EVIDENCE DURING TRIALS**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2013-410 WITH JONES & DeMILLE ENGINEERING FOR THE PAYSON CANYON BRIDGE PROJECT**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH HARWARD & REES FOR CONSTRUCTION OF THE PAYSON CANYON BRIDGE PROJECT**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT FOR PROFESSIONAL SERVICES WITH JUB ENGINEERS, INC. IN THE AMOUNT OF \$63,000.00 FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MURDOCK CANAL TRAIL PROJECT**
10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MENDENHALL EQUIPMENT COMPANY TO REPAIR A COMMERCIAL WASHING MACHINE AT THE SECURITY CENTER COMPLEX**

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11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH OVERMAN CONCRETE, INC. TO CONSTRUCT 70 FEET OF CURB AND GUTTER AT THE SECURITY CENTER COMPLEX**
12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH STAKER PARSON COMPANIES FOR THE PURCHASE OF ROCK CHIPS FOR SEALING**
13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH WESTERN STATES ENGINEERING FOR UPGRADING THE PROGRAMMABLE LOGIC CONTROLLER SYSTEM IN THE SECURITY CENTER COMPLEX**
14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH FAMILYSEARCH INTERNATIONAL TO ALLOW ACCESS TO THE COUNTY RECORDS CENTER TO FILM DOCUMENTS**
15. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2012 UTAH COUNTY AUDIT FORM FOR THE UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS**
16. **APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$250,000.00 TO SPANISH FORK CITY FOR THE 300 NORTH SEWER AND WATER PROJECT**
17. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SUPPLEMENTAL LAW ENFORCEMENT CONTRACT WITH UVU BASS CLUB TO HAVE FOUR DEPUTIES SECURE AREAS IN VINEYARD AND THE UVU INTRAMURAL FIELDS FOR A 5K TO BE HELD ON OCTOBER 12, 2013**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 4 were ratified; No. 2 was adopted; and No. 3 was approved. Regular Agenda Item Nos. 3, 4, and 7 through 17 were approved and authorized; and No. 6 was ratified.

AGREEMENT NOS.: 2013-630, 2013-631, 2013-632, 2013-633, 2013-634, 2013-635, 2013-636, 2013-637, 2013-638, 2013-639, 2013-640, 2013-641, 2013-642, 2013-643 and 2013-644

RESOLUTION NO.: 2013-104

REGULAR AGENDA

1. **DECLARE NOVEMBER 2013 AS PANCREATIC CANCER AWARENESS MONTH IN UTAH COUNTY**

Utah County Health Department Executive Director Dr. Joseph K. Miner came forward and reviewed some statistics related to pancreatic cancer, and the commissioners suggested returning this item to the agenda nearer to November.

Commissioner Anderson made the motion to continue Regular Agenda Item No. 1 regarding the declaration of November 2013 as Pancreatic Cancer Awareness Month in Utah County to a future meeting of the Utah County Board of Commissioners, on a date yet to be determined.

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The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

CONTINUED WITHOUT DATE

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE DESIGN FUNDING AGREEMENT FOR THE PROVO-OREM BUS RAPID TRANSIT PROJECT WITH THE UTAH TRANSIT AUTHORITY *(Continued from the September 3 and September 10, 2013 Commission meetings)*

Commissioner Witney mentioned several meetings that had taken place in the last week where this agreement was discussed at great length. He invited any members of the public with questions to come forward, and none approached the bench.

Commissioner Anderson made the motion to approve and authorize the Design Funding Agreement for the Provo-Orem Bus Rapid Transit Project with the Utah Transit Authority as described in Regular Agenda Item No. 2. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-645

Utah County Clerk/Auditor Bryan E. Thompson noted for the record that these funds would be coming out of the third quarter cent.

5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE OUTREACH EDUCATION AGREEMENT WITH THE UNIVERSITY OF UTAH POISON CONTROL CENTER (UPCC)

Utah County Health Department Executive Director Dr. Joseph K. Miner and Utah County Clerk/Auditor Bryan E. Thompson mentioned the use of federal funds and the Catalog of Federal Domestic Assistance number.

Commissioner Ellertson made the motion to approve and authorize the Outreach Education Agreement with the University of Utah Poison Control Center as detailed in Regular Agenda Item No. 5. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

AGREEMENT NO. 2013-646

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION
STRICKEN

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- 20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

STRICKEN

- 21. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

STRICKEN

- 22. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

STRICKEN

Commissioner Ellertson made the motion to strike Regular Agenda Item Nos. 19, 20, 21, and 22 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the purchase, exchange, or lease of real property; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

- 18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County resident Larry Ballard came forward to speak to Regular Agenda Item No. 2. He commented on inflation in the United States and the Design Funding Agreement with the Utah Transit Authority contributing to the debt service.

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Mr. Ballard noted that the debt issue is so great that our country is considering a special agency specifically to address the problem. He also expressed that the federal government has imposed on taxes to an extent that local government now relies on the intrusion. Mr. Ballard suggested that the commissioners take the time to review two videos related to the subject: 'Rob Astorino on Socially Engineered Neighborhoods' (<http://youtu.be/XMYJ5sjDUyg>), and 'Obama Admin Plans to "Force" Americans to Move Into Cities - Redistributing the Wealth' (<http://youtu.be/jB2fexv5LDE>).

This concluded the public comment portion of the open meeting, and the meeting recessed at 9:17 A.M. to go into closed meetings. The public meeting reconvened at 9:26 A.M.

Commissioner Anderson made the motion to adjourn the September 17, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 9:26 A.M. The minutes of the September 17, 2013 Commission Meeting were approved as transcribed on September 24, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor